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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,107	12/13/2000	Kenji Fujioka	F-6779	3664

7590 02/24/2003  
Jordan and Hamburg  
122 East 42nd Street  
New York, NY 10168

EXAMINER

ENATSKY, AARON L

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/736,107

Applicant(s)

FUJIOKA ET AL.

Examiner

Aaron L Enatsky

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Examiner acknowledges receipt of amendment on 12/09/02. The arguments set forth in the response are addressed herein below.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,971,855 to Ng.

Ng teaches a monitor for displaying game images (Fig. 3A), a plurality of operable members (Fig. 3A-3C), a data transmitter for transmitting data to an external device (Fig 1B), a mode for training a character (6:34), a mode for transmitting data (Fig. 1B), buttons to train a character (6:15-24), a microprocessor controller which drives the game device (5:1-16), obtaining training values which add or subtract from an initial training value (5:51-65), item giving device for giving items to a character which affect training score/state (6:34-47), a training judge for determining a success endeavor (6:45-47), data of a trained fighter is transmitted to an external device for participating in a game (7:42-8:44). Ng does not disclose transmitting initial training values along with data of a successfully trained character. Ng does however disclose a user can post game scores to a website (2:47-49) as well as transmitting

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various statistics of a user's virtual character (9:1-10:67). Through posting of user scores and statistics, Ng shows that initial training values can be transmitted. The posted statistics of a user would be initial training values prior to an opponent match or new training. The simultaneous transmittal of both data types, lacking criticality, is considered well within the capabilities of one of ordinary skill, where one would be motivated to transmit both training values at the same time to reduce the number of on-line connections needed.

Ng discloses various commands related to transmitting and receiving data to and from an external device (8:50-11:10). Furthermore, claims of such, directed to communication between devices are standard and well known in computer communication. Applicant does not set forth any novel communication techniques that would further distinguish the invention from previous communication protocols that one of ordinary skill in the art would readily recognize to implement for this application.

Ng discloses using a cable for data communication (2:65-67).

Ng teaches the claimed limitations as discussed above, but does not specifically disclose transmitting items given to a character to an external device. However, Ng teaches bi-directional communication between a first device and a variety of other devices, such as another game apparatus or a PC. Ng also teaches of a first device receiving feature upgrades and restoring aspects of training scores, which would be receiving items from a remote device to affect training scores as paralleled above in providing items pre-programmed into the device (2:33-60). Ng also provides for a competition game of combat over the Internet between two remote game devices. It is considered well within one of ordinary skill in the art to provide combat characters with weapons for battling other character. As such, an item could be received for training a

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fighter for later combat games, therefore when playing a combat game between two remote fighters, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ng to provide for sending an item used for training with the fighter data, so that during the combat game a fighter could use that sent item during combat.

Ng teaches receiving from an external source items and other character modifications. Ng also teaches having the ability to train more than one character (5:47-50). While not disclosing where the other characters are produced in the game, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have received the extra characters from the computer or the Internet to provide a new sales distribution channel for the game manufacturer or provide a game player with character variety to keep the combat game more interesting.

Ng teaches having a user post game scores to a website (2:47-49) and transmitting various statistics of a user's virtual character (9:1-10:67) as discussed above. Ng does not disclose displaying how many times a character has been transmitted to an external device nor displaying the information on the monitor, however as taught by Ng, one could readily access how many time transfers have occurred though a player's combat history with other players seen on the score posting on the Internet. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the scores posted to monitor of the game device so that statistics of the game history would be portable with the device and viewable while not connected to the network.

Ng teaches of a first game of training and developing a character, and another video game program where characters participate in a combat game (Abstract).

Ng teaches receiving new characters and new character enhancements as discussed above where the character enhancements are received from an external device (2:47-60). Items different than those already received by a character would be the new enhancements that are available on an external device through the web.

Ng teaches setting probability for a plurality of experience points through teaching randomly assigned point values (7:41-8:21).

Ng teaches that known prior art hand-held game apparatuses used wireless connections as well as the above described cable connection. Although Ng does not teach an embodiment using a wireless connection, replacing a cable communication mechanism has well known art-accepted advantages over a tethered connection. One distinct advantage of using a wireless connection is long-range portability from a communication point and the elimination of wire clutter. Therefore, one would be motivated to modify Ng to use wireless interconnection methods to allow for remote, longer distance communication and the elimination of wires. Infrared signals for wireless communication are considered analogous and art accepted equivalents to wireless radio communication methods.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron L Enatsky whose telephone number is 703-305-3525. The examiner can normally be reached on 8:00 - 4:30.

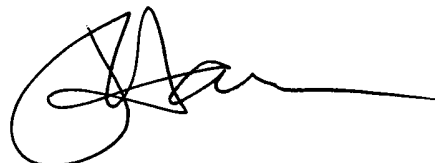
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Aaron Enatsky

February 19, 2003



JESSICA HARRISON  
PRIMARY EXAMINER